



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

As required by
the Washington State Administrative Procedures Act
Chapter 34.05 RCW

CONCISE EXPLANATORY STATEMENT
AND
RESPONSIVENESS SUMMARY
FOR THE ADOPTION OF
Chapter 173-175 WAC, Dam Safety

August 2005
05-11-023

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CONCISE EXPLANATORY STATEMENT
AND
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FOR THE ADOPTION OF
CHAPTER 173-175 WAC, Dam Safety

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CONCISE EXPLANATORY STATEMENT

I. Introduction

- ◆ Identify the reasons for adopting this rule (RCW 34.05.325(6)(a)(i)):
In 2005, the Washington legislature amended RCW 90.03.470. This statute lists the fees that dam owners pay the Department of Ecology for periodic inspections of existing dams. Since the statute took effect on July 24, 2005, adoption of the rule is solely for the purpose of making Chapter 173-175 WAC Dam Safety agree with the changes to RCW 90.03.
- ◆ Identify the adoption date of rule and effective date of rule.
The rule will be adopted on August 24, 2005, with the effective date 31 days after. The effective date will therefore be September 24, 2005.

II. Describe Differences Between Proposed and Final Rule

There are no changes between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted

III. Summarize Comments

Summarize all comments received regarding the proposed rule and respond to comments by category or subject matter. You must indicate how the final rule reflects agency consideration of the comments or why it fails to do so (RCW 34.05.325(6)(a)(iii)):

No comments have been received.

IV. Summary of public involvement opportunities

Please provide a summary of public involvement opportunities for this rule adoption:

Mass mailing pieces – There was one mailing to owners of dams affected by the change. The mailing explained the legislative changes and the need to conform the fees required by Chapter 173-175 to those listed in the amended section of RCW 90.03.470. The mailing announced Ecology's use of "expedited rulemaking" and explained how Ecology's use of expedited rulemaking could be appealed. These mailings were sent to the owners of 58 projects regulated by Ecology's Dam Safety Office, who will see fee reduction as part of the change.

V. Appendices

- ◆ Appendix A - The July 15, 2005 announcement sent to owners of affected dams.
- ◆ Appendix B - Copy of the final rule text